

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES LYNN O'HINES,

Plaintiff,

No. C 09-2982 PJH (PR)

vs.

ORDER OF DISMISSAL

FORD, et al.,

Defendants.

This case was filed pro se by a prisoner who is housed in Arizona. The clerk sent him a notice that he had not paid the filing fee or applied for leave to proceed in forma pauperis. A copy of the court's form for applications to proceed in forma pauperis was provided with the notice, along with a return envelope. Plaintiff was informed that if he did not either pay the fee or file an application for leave to proceed in forma pauperis within thirty days the case would be dismissed.

Plaintiff filed a motion for leave to proceed IFP, but it was on a form used by the United States District Court for the District of Arizona, not the form the clerk sent him, and did not include much information required by this court. In addition, the application was dated April 22, 2009, and the certificate of funds was dated April 30, 2009, so neither described plaintiff's financial situation at the date the complaint was filed, July 2, 2009. As a result, the application was denied with leave to amend to remedy the deficiencies mentioned above. Plaintiff subsequently filed a number of irrelevant documents and a notice of appeal. On March 4, 2010, the Ninth Circuit dismissed the appeal for failure to prosecute.

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1 The time for plaintiff to file a proper application for leave to proceed in forma
2 pauperis or to pay the filing fee has long since expired. This case therefore is **DISMISSED**
3 without prejudice. All pending motions are **DENIED** as moot. The clerk shall close the file.

4 **IT IS SO ORDERED.**

5 Dated: March 24, 2010.



PHYLLIS J. HAMILTON
United States District Judge